

Notice of Allowability

Application No.

10/763,309

Examiner

L. E. Crane

Applicant(s)

KAESEMEYER, WAYNE H.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed June 21, 2007.
2. ☒ The allowed claim(s) is/are 1-30,32 and 33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 06/21/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

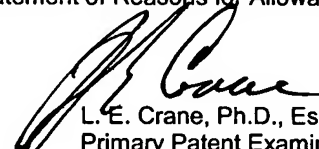
5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 08282007.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____


L. E. Crane, Ph.D., Esq.
Primary Patent Examiner
Technology Center 1600

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. §1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

Claims **18 and 26** were replaced in their entirety with the following:

-- **18.** A method of treating a cardiovascular disease in a subject in need thereof comprising administering a composition comprising citrulline and an Hmg-CoA reductase inhibitor, wherein the level of nitric oxide in said subject is increased. --.

-- **26.** A method of stimulating nitric oxide synthase in a host in need thereof comprising administering citrulline and an agonist of nitric oxide synthase, said agonist being an Hmg-CoA reductase inhibitor. --.

Claim **31** was cancelled without prejudice to the filing of divisional or continuing applications.

The following new claim was added.

-- **33.** The method of claim **18** wherein said cardiovascular disease is selected from the group consisting of hypertension, atherosclerosis, restenosis - post coronary angioplasty, and reperfusion injury. -- .

Authorization for this Examiner's Amendment was given in a telephone interview with Raymond A. Miller on August 28, 2007.

The following is an Examiner's Statement of Reasons for Allowance:

The above amendments have been entered to make more clear the instant claimed invention and its application to the treatment of cardiovascular diseases particularly wherein the generation of NO to cause vasodilation *in vivo* is medically necessary.

Examiner has reviewed the instant disclosure and applicant's arguments and has concluded that applicant's arguments are acceptable as a basis for withdrawal of all rejections

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of record. Examiner has also reviewed the newly cited prior art and has found that this reference, individually or in combination with any other reference(s) of record, can not be the basis of a competent art rejection.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Papers related to this application may be submitted to Group 1600 via facsimile transmission (FAX). The transmission of such papers must conform with the notice published in the Official Gazette (1096 OG 30, November 15, 1989). The telephone number to FAX (unofficially) directly to Examiner's computer is 571-273-0651. The telephone number for sending an Official FAX to the PTO is 571-273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner L. E. Crane whose telephone number is **571-272-0651**. The examiner can normally be reached between 9:30 AM and 5:00 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. S. Anna Jiang, can be reached at **571-272-0627**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is **571-272-1600**.

All Post-Allowance Correspondence concerning this application must be mailed to:

BOX ISSUE FEE
COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

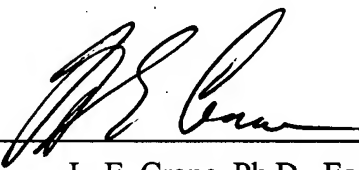
OR you can FAX them to the Office of Patent Publications at 571-273-8300, in order to expedite the handling of such correspondence as amendments under 37 C.F.R. §1.312;

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Information Disclosure Statements (IDS's), and formal drawings. Sending Post-Allowance papers to Technology Center 1600 will only cause delays in matching papers with the case.

For information concerning status of correspondence sent after receipt of the Notice of Allowance, please contact the Correspondence Branch at 571-272-4200. The Notice of Allowance also has an insert containing contact information for other items, including Issue Fees, receipt of formal drawings, and the status of the application.

LECrane:lec
08/28/2007



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Primary Patent Examiner
Technology Center 1600